

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Daniel Giansante	Team: Team # 5	CCRB Case #: 201404803	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 05/13/2014 10:45 PM	Location of Incident: § 87(2)(b)	Precinct: 81	18 Mo. SOL 11/13/2015	EO SOL 11/13/2015	
Date/Time CV Reported Fri, 05/16/2014 2:28 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 05/16/2014 2:28 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POF Emily Harris	20669	941882	081 PCT
2. LT Lorraine Sanchez	00000	934151	081 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jonathan Thomas	09859	948146	081 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Lorraine Sanchez	Abuse: Lt. Lorraine Sanchez entered and searched § 87(2)(b) in Brooklyn.	§ 87(2)(b)
B.LT Lorraine Sanchez	Abuse: Lt. Lorraine Sanchez seized § 87(2)(b) s property.	§ 87(2)(b)
C.POF Emily Harris	Force: PO Emily Harris used physical force against § 87(2)(b)	§ 87(2)(b)
D.POF Emily Harris	Abuse: PO Emily Harris refused to provide her name and/or shield number to § 87(2)(b)	§ 87(2)(b)

### Case Summary

On May 16, 2014, § 87(2)(b) filed the following complaint by telephone with the CCRB.

On May 13, 2014, at approximately 10:45 p.m., Lt. Lorraine Sanchez, PO Emily Harris, and PO Jonathan Thomas of the 81<sup>st</sup> Precinct responded to § 87(2)(b)'s apartment at § 87(2)(b) in Brooklyn. The following allegations resulted:

- **Allegation A—Abuse of Authority: Lt. Lorraine Sanchez entered and searched § 87(2)(b) § 87(2)(b) in Brooklyn.**  
**Allegation B—Abuse of Authority: Lt. Lorraine Sanchez seized § 87(2)(b)'s property.**  
§ 87(2)(b), § 87(2)(g)
- **Allegation C—Force: PO Emily Harris used physical force against § 87(2)(b)**  
§ 87(2)(g)
- **Allegation D—Abuse of Authority: PO Emily Harris refused to provide her name and/or shield number to § 87(2)(b)**  
§ 87(2)(b), § 87(2)(g)

The case was ineligible for mediation.

### Results of Investigation

#### Civilian Statement

##### Complainant/Victim: § 87(2)(b)

- § 87(2)(b) a § 87(2)(b).

#### CCRB Statement

§ 87(2)(b) provided a brief telephone statement when she filed the complaint on May 16, 2014 (encl. 3b). She was interviewed at the CCRB on May 28, 2014 (encl. 4b-4c). Her statements were generally consistent.

On May 13, 2014, at approximately 9:30 p.m., § 87(2)(b) returned to her residence at § 87(2)(b) in Brooklyn and turned on the stereo. She frequently plays loud music. Everyone on her floor knows her because of her music and she receives compliments from people who can hear it. On two occasions prior to this incident, officers responded to her apartment to inform her of noise complaints and to ask that she turn down the music. She could not recall exactly when officers came, but believed that the first time was in April, and that the second time was one or two weeks later. She refused to lower the volume the first time. She lowered it the second time, but then turned it back up after the officers left.

On the night of the incident, § 87(2)(b) set the volume slightly lower than usual because her mother and her two sons were sleeping in the bedrooms behind the living room. Her door buzzer rang and a voice announced itself as "§ 87(2)(b) is § 87(2)(b)'s friend with whom she had spent

part of the day, so she buzzed him into the building and unlocked her apartment door. She sat on the couch in the living room and waited for him to arrive. The apartment door opened without a knock or warning and an officer entered the apartment, followed by four more officers. § 87(2)(b) described the first officer as a black woman with a light complexion who was 36-37 years old, 5'5" tall, 160 pounds, with short dreadlocks and freckles. The investigation identified her as PO Emily Harris. § 87(2)(b) could only describe the four additional officers as three black men and one white man. The white man was dressed in a white uniform shirt. The investigation identified the additional officers who responded to § 87(2)(b)'s apartment as Lt. Lorraine Sanchez and PO Jonathan Thomas.

PO Harris did not say anything before she walked to the stereo, unplugged it from the wall, and handed it to PO Thomas. As PO Harris was taking the stereo, § 87(2)(b) asked if she could have the CD that was inside. PO Harris said no. § 87(2)(b) stood up from the couch and tried to call for her mother. PO Harris pushed her in the chest with both hands so that she sat back down. § 87(2)(b) tried to stand up twice more and PO Harris pushed her both times. § 87(2)(b) then said, "You gonna stop putting your hands on me." PO Harris grabbed § 87(2)(b)'s left arm and PO Thomas grabbed her right arm, and they handcuffed her. § 87(2)(b) did not resist being handcuffed. At no point did she ever raise her arms up or try to strike any officer. The officers never said anything about a noise complaint or about the fact that other officers had previously come to § 87(2)(b)'s apartment. They never left the living room nor did they touch anything in the house other than the stereo. § 87(2)(b)'s mother and sons never came out of the bedrooms.

The officers escorted § 87(2)(b) out of the building and placed her in a marked RMP. PO Harris and one other officer drove her to the 81<sup>st</sup> Precinct stationhouse. The entire incident lasted approximately 15 minutes. Once at the stationhouse, § 87(2)(b) waited in a cell for 30 minutes before being brought to the desk. An officer behind the desk, who was a white man dressed in a white uniform shirt, handed § 87(2)(b) a summons. PO Harris was also standing at the desk, along with two unidentified officers who just happened to be there. § 87(2)(b) said, "Can I have y'all names and y'all badge numbers?" The officers did not respond. § 87(2)(b) then asked PO Harris what would happen to her stereo. PO Harris motioned as if to grab her handcuffs and told § 87(2)(b) that the stereo was evidence. § 87(2)(b) never received a voucher for the stereo.

#### **NYPD Statements:**

##### **Subject Officer: LT. LORRAINE SANCHEZ**

- Lt. Sanchez, a § 87(2)(b) at the time of the incident.
- On May 13, 2014, Lt. Sanchez was the Patrol Supervisor in the 81<sup>st</sup> Precinct. She worked from 2:45 p.m. to 11:30 p.m. and did not have a partner. She was dressed in uniform and worked in marked RMP with number 5655.

##### **Memo Book**

On May 13, 2014, at approximately 10:45 p.m., Lt. Sanchez responded to § 87(2)(b) with § 87(2)(b) for chronic 311 noise complaints. § 87(2)(b) was arrested. Her stereo was vouchered and a summons was issued (encl. 5b).

##### **CCRB Statement**

Lt. Sanchez was interviewed at the CCRB on August 12, 2014 (encl. 5d-5e).

On May 13, 2014, at approximately 8:30 p.m., the desk sergeant, Sgt. Ynoa, sent § 87(2)(b) officers, PO Harris and PO Thomas, to § 87(2)(b) § 87(2)(b) in Brooklyn. The 81<sup>st</sup> Precinct had received approximately three noise complaints that day regarding loud music coming from the apartment, and had received numerous complaints in the past about the apartment. These

complaints were from multiple individuals. Neighbors in the area could not get one of the apartment's residents, § 87(2)(b) to turn down her music. She placed her stereo speakers in her windows and aimed them out at the street. Lt. Sanchez was aware that the matter had been discussed at a prior Community Board meeting. After PO Harris and PO Thomas responded to the location, Lt. Sanchez asked them what had occurred. They told her that they had met § 87(2)(b)'s brother, who agreed to turn down the music.

Later in the night, Sgt. Ynoa called Lt. Sanchez and informed her that another noise complaint had been made regarding § 87(2)(b)'s apartment. Lt. Sanchez instructed PO Harris and PO Thomas to return to the apartment. She accompanied them because it was a chronic problem. Upon arriving at the building, the officers were buzzed inside by a security guard. Lt. Sanchez could hear loud music playing upon arriving on the second floor. The officers knocked on § 87(2)(b)'s apartment door, which was locked, and § 87(2)(b) answered. She was immediately upset and belligerent, and she used profanity. Lt. Sanchez specifically recalled that § 87(2)(b) said, "What the fuck y'all want?" Lt. Sanchez could smell alcohol and believed that § 87(2)(b) was intoxicated. The officers asked § 87(2)(b) to turn down her music approximately three times. They also informed her that they would take her stereo if she did not turn down the music. § 87(2)(b) refused every request.

§ 87(2)(b) stepped backward as if she wanted the officers to come inside. She did not verbally invite the officers inside. She never told them not to enter, nor did she attempt to physically prevent them from entering. All three officers entered the apartment and stood in the living room. Lt. Sanchez did not see or interact with any other civilians while inside the apartment. Neither Lt. Sanchez nor any other officer ever entered any room other than the living room. The officers asked § 87(2)(b) to turn down the music approximately two more times, and again explained that they would take the stereo if she refused. § 87(2)(b) continued to refuse the officers' orders. Lt. Sanchez instructed PO Harris and PO Thomas to unplug the stereo and seize it, and to issue § 87(2)(b) a summons. § 87(2)(b) remained belligerent and began putting her arms up and moving them around. At this point, either PO Harris or PO Thomas asked § 87(2)(b) for her identification. Lt. Sanchez believed that it was PO Thomas who did so. § 87(2)(b) refused to provide identification. The officers never obtained identification from her inside the apartment.

Because § 87(2)(b) continued to be belligerent and irrational and refused to provide identification, Lt. Sanchez instructed PO Harris and PO Thomas to handcuff her and issue the summons at the stationhouse. § 87(2)(b) did not resist being handcuffed. Neither PO Thomas nor PO Harris had touched § 87(2)(b) before handcuffing her. At no point did PO Harris or any officer push § 87(2)(b).

PO Thomas and PO Harris transported § 87(2)(b) to the 81<sup>st</sup> Precinct stationhouse, where she was presented at the desk. Sgt. Ynoa and Lt. Sanchez stood behind the desk. Lt. Sanchez did not hear § 87(2)(b) ask PO Harris for her shield number, and § 87(2)(b) did not ask for Lt. Sanchez's shield number. Lt. Sanchez never heard § 87(2)(b) request PO Harris' shield number during the incident. Lt. Sanchez was not present when § 87(2)(b) was released.

**Subject Officer: PO EMILY HARRIS**

- *PO Harris, a § 87(2)(b) at the time of the incident.*
- *On May 13, 2014, PO Harris was assigned to Sector EG in the 81<sup>st</sup> Precinct. She was partnered with PO Thomas and worked from 3 p.m. to 11:35 p.m. She was dressed in uniform and worked from a marked RMP.*

**Memo Book**

On May 13, 2014, at approximately 5:03 p.m., PO Harris went on a precinct assignment to § 87(2)(b) § 87(2)(b). At 5:17 p.m., she marked that she warned and admonished. At 8:50 p.m., she returned to § 87(2)(b) on a directed vertical patrol for § 87(2)(b). At 9:50 p.m., she noted that she issued a summons to § 87(2)(b) (encl. 6b-6c).

#### **Summons #§ 87(2)(b)**

PO Harris noted on the summons that § 87(2)(b) “was observed making unreasonable noise from a sound reproduction device. The sound from said device could be heard from further than 15 feet away” (encl. 6d).

#### **CCRB Statement**

PO Harris was interviewed at the CCRB on August 15, 2014 (encl. 6f-6g). Her statement was generally consistent with Lt. Sanchez’s. Any additions or inconsistencies are noted below.

On May 13, 2014, at approximately 5:03 p.m., PO Harris received a cell phone call from PO Jenkins, the 81<sup>st</sup> Precinct Community Affairs Liaison, along with the T/S operator, whose identity she could not recall. They informed her and PO Thomas that there were multiple noise complaints regarding loud music being played from a speaker system at § 87(2)(b) § 87(2)(b). The officers responded to the area, and PO Harris could hear the music from her moving RMP when she drove on Monroe Street. She could still hear the music when she arrived on the second floor. She knocked on the apartment door and met a man who said he was § 87(2)(b)’s brother. She told him about the noise complaints and asked that he turn down the music. She also said that the officers would have to return if they received more complaints. § 87(2)(b)’s brother agreed to turn down the music and said that he was afraid of § 87(2)(b).

At approximately 8:50 p.m., Lt. Sanchez instructed PO Harris and PO Thomas to return to § 87(2)(b)’s apartment and accompanied them. PO Harris could not recall how they gained entry to the building.

The officers asked § 87(2)(b) if they could come into the apartment and § 87(2)(b) stepped back from the doorway as if she were making room for the officers to enter. After entering the apartment, the officers asked her to lower the music. § 87(2)(b) said, “Fuck you. I don’t need to lower the music.” § 87(2)(b) was very upset from the outset. She was “spastic” and very high-strung. When asked if she thought § 87(2)(b) was intoxicated, PO Harris said it was possible but she was not sure. PO Harris could not recall if she smelled alcohol on § 87(2)(b).

The officers only asked § 87(2)(b) once to lower the music. PO Harris could not recall if the officers told § 87(2)(b) that they would seize the stereo if she did not comply. After § 87(2)(b) refused to lower the music, Lt. Sanchez instructed PO Harris and PO Thomas to seize the stereo and issue § 87(2)(b) a summons. PO Harris moved to grab the stereo and § 87(2)(b) blocked her path. She stood with arms outstretched. PO Harris could not recall if § 87(2)(b) put her hands on her or pushed her. PO Harris decided to handcuff § 87(2)(b) for safety purposes because § 87(2)(b) was getting in the way. § 87(2)(b) flailed her arms to resist being handcuffed, and PO Thomas assisted PO Harris in handcuffing her. PO Harris could not recall whether she obtained identification from § 87(2)(b) prior to handcuffing her.

PO Harris sat § 87(2)(b) on a couch after handcuffing her. § 87(2)(b) kept squirming and trying to stand up. PO Harris put her hand on § 87(2)(b)’s shoulder to prevent her from standing up. When asked if she ever pushed § 87(2)(b) in the chest, PO Harris said, “Not that I remember. But she was resistant. We have to keep her restrained.” PO Harris did not do anything to keep § 87(2)(b) from standing up other than putting a hand on her shoulder.

PO Harris stood with § 87(2)(b) when she was presented at the desk at the 81<sup>st</sup> Precinct stationhouse. Lt. Sanchez and PO Thomas were present as well. PO Harris did not recall § 87(2)(b) asking for her shield number at that time or at any point during the incident. She stated

that she would not have immediately provided it to § 87(2)(b) even if she had asked because they were getting pedigree information at the desk and § 87(2)(b) would have the opportunity to obtain the shield number from her summons and property voucher. PO Harris issued the summons to § 87(2)(b) and gave her a voucher for her stereo. § 87(2)(b) said that she was going to file a CCRB complaint because she was upset about the stereo. PO Harris explained to her that she could get the stereo back once she dealt with the summons.

**Witness Officer: PO JONATHAN THOMAS**

- PO Thomas, a § 87(2)(b) at the time of the incident.
- On May 13, 2014, PO Thomas was assigned to § 87(2)(b) in the 81<sup>st</sup> Precinct. He was partnered with PO Harris and worked from 3 p.m. to 11:45 p.m. He was dressed in uniform and worked in a marked RMP with vehicle number 5443.

**Memo Book**

On May 13, 2014, at approximately 5 p.m., PO Thomas was directed on a precinct assignment to respond to § 87(2)(b) § 87(2)(b). He marked non-crime corrected at 5:17 p.m. At 10:45 p.m. PO Thomas was again directed on a precinct assignment to go to § 87(2)(b) § 87(2)(b). At 10:59 p.m. PO Harris arrested an individual. At 11:10 p.m. PO Thomas arrived at the 81<sup>st</sup> Precinct stationhouse, and his tour ended at 11:45 p.m. (encl. 7b-7d).

**CCRB Statement**

PO Thomas was interviewed at the CCRB on July 29, 2014 (encl. 7f-7g). His statement was generally consistent with Lt. Sanchez's. Any additions or inconsistencies are noted below.

PO Thomas also stated that § 87(2)(b) allowed the officers to enter the apartment by stepping aside from the doorway. § 87(2)(b) was belligerent and profane. She said, "What the fuck? What the fuck you want?" PO Thomas believed she was intoxicated because her eyes were glassy and her breath smelled of alcohol. PO Thomas, PO Harris, and Lt. Sanchez each asked § 87(2)(b) to turn down the music but § 87(2)(b) refused. They explained to her that her stereo would be confiscated if she did not comply but she still refused.

§ 87(2)(b) refused to put her hands behind her back and pulled away from PO Thomas. PO Thomas and PO Harris had to grab § 87(2)(b)'s hands and pull them behind her back. At no point did PO Harris, PO Thomas, or Lt. Sanchez push § 87(2)(b) in the chest to get her to sit down.

PO Thomas was not at the desk when § 87(2)(b) was released and had no idea if she was given a property voucher for the stereo.

**NYPD Documents**

**Roll Call**

The Tour 3 roll call from the 81<sup>st</sup> Precinct shows that Lt. Sanchez was the platoon commander and PO Harris and PO Thomas were assigned to Sector E (encl. 10a-10d).

**Event #** § 87(2)(b)

The Event paperwork shows that Sector E and a lieutenant responded to § 87(2)(b) at approximately 10:45 p.m., and that Sector E officers noted they had made an arrest at approximately 10:59 p.m. (encl. 11b-11d).

**Property Voucher**

Property invoice # § 87(2)(b) shows that PO Harris vouchered a Giga Sound Blast stereo

and two amplifiers as arrest evidence (encl. 8a-8b).

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

### **Civilian CCRB History**

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 2).

### **Subject Officers CCRB History**

- Lt. Lorraine Sanchez has been a member of the service for 10 years and there are no substantiated CCRB allegations against her. This is her first CCRB complaint (encl. 1a).
- PO Emily Harris has been a member of the service for 8 years and there are no substantiated CCRB allegations against her (encl. 1b-1c).

### **Conclusion**

#### **Allegations Not Pleaded**

§ 87(2)(b) alleged that she after she was handed a summons by an unidentified desk sergeant, she said, “Can I have y’all names and y’all badge numbers?” She said this all officers in view, which included PO Harris, the desk sergeant, and two unidentified officers who simply happened to be standing near the desk. As the unidentified officers were not involved in the incident and could not have reasonably believed that § 87(2)(b) was speaking to them, an allegation of refusal to provide name and/or shield number was pleaded exclusively against PO Harris.

#### **Identification of Subject Officers**

Lt. Sanchez, PO Harris, and PO Thomas admitted to entering § 87(2)(b) s apartment, seizing her stereo, and taking her into custody. As Lt. Sanchez was the supervisor on scene and made the determination to seize § 87(2)(b) s stereo, allegations of entry and property seizure are pleaded against her.

§ 87(2)(b) described the officer who pushed her and refused to provide his shield number as a black woman with a light complexion who was 36-37 years old, 5’5” tall, 160 pounds, with short dreadlocks and freckles. PO Harris is a 32-year-old black woman who is 5’5” tall, weighs 180 pounds, and has dreadlocks. Therefore allegations of physical force and refusal to provide name and/or shield number are pleaded against PO Harris.

§ 87(2)(b) alleged that four more male officers entered her apartment, but she could not describe them. The Event chronology for the incident does not indicate that any additional officers responded.

## **Investigative Findings and Recommendations**

- **Allegation A—Abuse of Authority: Lt. Lorraine Sanchez entered and searched § 87(2)(b) § 87(2)(b) in Brooklyn.**  
**Allegation B—Abuse of Authority: Lt. Lorraine Sanchez seized § 87(2)(b) s property.**

§ 87(2)(b) alleged that officers entered her unlocked apartment without knocking or announcing themselves and seized her stereo and speakers. She admitted that she frequently plays loud music and that officers had come to her apartment multiple times in the previous two months regarding noise complaints. She further admitted that on these occasions she either refused to lower the volume of her stereo or simply turned it back up after officers left.

Lt. Sanchez stated that the apartment door was locked, and that § 87(2)(b) responded to officers' knocking by opening the door and asking, "What the fuck y'all want?" The officers asked § 87(2)(b) to turn down her music approximately three times and informed her that they would take her stereo if she did not turn down the music. § 87(2)(b) refused every request. § 87(2)(b) stepped backward as if she wanted the officers to come inside. She did not verbally invite the officers inside. She never told them not to enter, nor did she attempt to physically prevent them from entering. Once inside the apartment, the officers asked § 87(2)(b) to turn down the music approximately two more times, and again explained that they would take the stereo if she refused. § 87(2)(b) continued to refuse the officers' orders so Lt. Sanchez directed that she be issued a summons and the stereo be seized.

PO Harris and PO Thomas also stated that § 87(2)(b) answered the door and stepped back to allow the officers to enter. PO Thomas stated that § 87(2)(b) refused multiples requests that she turn down the music. PO Harris stated that § 87(2)(b) refused only one request.

Lt. Sanchez confirmed that there had been numerous complaints about loud music coming from § 87(2)(b)'s apartment in the past, that the issue had been discussed at a Community Board meeting, that there were approximately three complaints on the date of the incident, and that PO Harris and PO Thomas responded to the apartment for a noise complaint earlier in the day.

Patrol Guide Procedure 214-23 states that the decision to seize a sound reproduction device must take into consideration various factors, including the type of neighborhood, the time of day, the number of complaints, and whether the person responsible for the device has refused previous requests to decrease the noise. Officers can seize a device from inside a residence if they are invited inside (encl. 0a-0c).

§ 87(2)(b), § 87(2)(g)

- **Allegation C—Force: PO Emily Harris used physical force against § 87(2)(b) § 87(2)(b)**

§ 87(2)(b) alleged that she stood up from her couch to call for her mother and PO Harris pushed her in the chest with both hands so that she sat back down. § 87(2)(b) tried to stand up twice more and PO Harris pushed her both times.

PO Harris stated that § 87(2)(b) was handcuffed and seated on the couch, and that § 87(2)(b) squirmed and kept trying to stand up. PO Harris denied pushing § 87(2)(b) in the chest



